

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on June 15, 2007.



Sherry Loke

ELECTION UNDER 35 U.S.C. § 121
Examining Group 1646
Patent Application
Docket No. BKR-110T
Serial No. 10/522,883

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Xiaozhen Xie, Ph.D.
Art Unit : 1646
Applicants : Michel Christian Morre, Brigitte Assouline, Pierre Cortez, Anne Gregoire
Serial No. : 10/522,883
Filed : February 2, 2005
Conf. No. : 9491
For : IL-7 Drug Substance, Composition, Preparation and Uses

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

ELECTION UNDER 35 U.S.C. § 121

Sir:

In response to the written Restriction Requirement dated May 15, 2007 in the above-identified patent application, Applicants hereby elect to prosecute the invention of Group I (claims 56-85), with traverse. Applicants note that the Restriction Requirement also sets forth a requirement for the election of species that appears to cross the various groups set forth in the Restriction Requirement (without limiting the election of species to particular inventive groups). While it is believed that the requirement to elect a species in each of the identified non-elected groups is unnecessary, Applicants hereby elect the following in order to expedite prosecution and avoid a holding that the election is considered non-responsive:

- A. An IL-7 conformer comprising the amino acid sequence of sequence NO: 2;
- B. A pharmaceutical composition further comprising a hematopoietic cell growth factor selected from SCF, G-CSF and GM-CSF;

- C. A pharmaceutical composition further comprising a cytokine selected from IL-2;
- D. A pharmaceutical composition further comprising an antigen derived from the hepatitis virus A, B, C or E; and
- E. A nucleic acid molecule that comprises SEQ ID NO: 1.

Claims 56-58 and 61-92 read on the species election required by the Office Action (and claims 56-58 and 61-85 read on species elected for Group I).